IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.1364 OF 2003

IN

SECOND APPEAL STAMP NO.44311 OF 2003

Anil Shrikant Patil & Anr. : Applicants.

versus

Prabhavati Ramchandra Bahulekar
deceased through legal heirs
Girish Ramchandra Bahulekar
& ors. : Respondents.

Mr.G.M.Savagave for the applicants.
Mr.S.D.Kataria for Respondent Nos.1,2,4,5,7,8 & 9

CORAM : D.G.DESHPANDE,J.

DATED : 20th October 2005.

ORAL ORDER

1. This is an application for condonation of delay of 20 days. The application is strongly

opposed by the counsel for the respondents on the ground that he has obtained a decree which could not be executed for last 50 years due to different proceedings initiated by the appellants. In any case, he contended that heavy costs should be saddled upon the appellants/applicants.

2. Counsel for the applicants contended that in another appeal, where the similar delay was there, was condoned subject to costs of Rs.2500/- and, therefore, at least same costs should be saddled upon the appellants/applicants.

3. The facts in that case may be different, I am not concerned with that order. In view of the facts of the present case and the submissions made by the counsel for the respondents, Rs.3000/- is most appropriate and adequate costs. In view of this, the application is allowed. Delay is condoned subject to costs of Rs.3000/-. Payment of costs is a condition precedent. Costs to be paid to the advocate for the respondents on or before 7th December 2005. Put up the matter for admission on 8th December 2005. Civil Application is disposed of.

[D.G.DESHPANDE,J]